

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JULIE ELLEN BAUER,

Plaintiff,

v.

STATE OF TENNESSEE, et al.,

Defendants.

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CASE NO. 1:13-0016

Chief Judge Haynes

ORDER

Plaintiff, Julie Ellen Bauer, a state pretrial detainee, filed this action under 42 U.S.C. § 1983 seeking damages against the Defendants: the State of Tennessee, Mike Bottoms, a district attorney general and county officials.


Before the Court is the State's and Bottoms's motion to dismiss (Docket Entry No. 17). As to the Defendant State of Tennessee, the State is not a person that can be sued under Section 1983. Will v. Michigan Department of State Police, 491 U.S. 58 (1989). Defendant Bottoms is named in his official capacity. Thus, this claim is, in effect against the State and Plaintiff's claim against Defendant Bottoms is also barred by Will.

This action is **DISMISSED with prejudice** against the Defendants State of Tennessee and General Bottoms in his capacity. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

This action is **STAYED** as to the county Defendants (Docket Entry No. 9).

It is so **ORDERED**.

ENTERED this the 8th day of August, 2013.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court